

SCHWEGMAN □ LUNDBERG □ WOESSNER □ KLUTH

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900 Facsimile (612) 339-3061

July 10, 2003

Time: 2:05 PM
(Minneapolis, Minn.)TO: Commissioner for Patents
Attn: Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450
FAX NUMBER 703-308-6916FROM: Thomas F. BrennanOUR REF: 1384.004US3
TELEPHONE:FAX RECEIVED
JUL 10 2003
PETITIONS OFFICE

* Please deliver to the Office of Petitions. *

Document(s) Transmitted: Petition to Withdraw Holding of Abandonment For Failure to Timely Reply to the Decision on Petition (2 pages), Copy of Notice of Abandonment (1 pg.), Copy of Return Receipt Postcard (1 pg.), Copy of previously filed Response to Decision on Petition with enclosures (66 pages).Total pages of this transmission, including cover letter: 71 pgs.

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900, or fax us at 612-339-3061.

In re. Patent Application of: Abraham R. Matthews et al.Serial No.: 10/067106Filed: February 4, 2002Docket No.: 1384.004US3Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

By: Thomas F. Brennan

Name: Thomas F. Brennan

Reg. No.: Reg. No. 35,075

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Ursula Weeks
Ursula WeeksJuly 10, 2003
Date of Transmission

S/N 10/067106PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abraham R. Matthews et al. Examiner: Unknown
Serial No.: 10/067106 Group Art Unit: 2152
Filed: February 4, 2002 Docket: 1384.004US3
Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE
INTERNET

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
FOR FAILURE TO TIMELY REPLY TO THE DECISION ON PETITION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITIONS OFFICE

As provided in MPEP § 711.03(c), the undersigned attorney as Representative for the Applicant believes that the above-identified application was improperly abandoned by the Office, and hereby petitions for withdrawal of abandonment based on the following facts and information:

1. A Decision on Petition was mailed on October 21, 2002, giving the applicant two months from the mailing date to reply with extensions of time governed by 37 C.F.R. 1.136(a). The statutory period under 37 C.F. R. 1.136(a) for applicant to reply to the Decision on Petition would expire on May 21, 2003.
2. Applicant's Representative responded to the Decision on Petition on May 21, 2003. A copy of the response including a copy of the return receipt postcard is attached.

Although Applicant's Representative believes this Petition to Withdraw Holding of Abandonment For Failure to Timely Reply to Decision on Petition to be correct and appropriate, he also states that any error inadvertently made by him which resulted in abandonment of this application was unintentional. In the event it is deemed that a Petition

Page 1 of 1

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
 Serial X mcs-10367106
 Filed: July 9, 2003
 Title: SYSTEM AND PROTOCOL FOR PAYEE RELAY SERVICE OVER THE INTERNET

Page 1
 DL: 138404US3

To Revive Abandoned Application under 37 CFR § 1.137(b) is required to revive this application, such petition is hereby made, and any fees required may be charged to Deposit Account No. 19-0743.

A copy of the Notice of Abandonment is enclosed with this Petition.

Respectfully submitted,

ABRAHAM R. MATTHEWS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
 P.O. Box 2938
 Minneapolis, MN 55402
 (612) 373-6909

Date July 9, 2003 By Thomas F. Brennan
 Thomas F. Brennan
 Reg. No. 35,075

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Administration Center
 2500 E. Highway 150
 Alexandria, VA 22304-1192

AD APP. NO. 138404US3
 ATTY. DOCKET NO. 138404US3

CONFIRMATION NO. 6200
 ABANDONMENT/TERMINATION
 LETTER

OC300000010230897

Date Mailed: 06/10/2003

SENT

by to the Decision on Petition made on

resulting that the application be revived.

and on the grounds of UNAVOIDABLE
 abandonment and such petition must be
 a delay; (2) the required reply to the above-
 a terminal disclaimer if required by 37

and on the grounds of UNINTENTIONAL
 abandonment and such petition must be
 at; (2) the required reply to the above-
 a terminal disclaimer if required by 37

file of Petitions at (703) 305-9252.

with the reply.

RESPONSE

FAX RECEIVED
JUL 10 2003
PETITIONS OFFICE

Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

In re application of Abraham R. Matthews et al.

Serial No. 10/067,106

Filed: February 04, 2002

Title: SYSTEM AND PROTOCOL FOR FRAMING AND TRANSMISSION OF DATA OVER THE INTERNET



CONTENTS: A copy of the Decision on Petition date October 21, 2002 (0 pgs), Petition for Extension of Time (1 pg), Communication Re: Decision on Petition (1 pg), A Combined Declaration and Power of Attorney (12 pgs), Pages from <http://fcdex.com/us/> confirming the delivery of the signature papers and Application to Sajit Bhaskaran, 1336 Avoset Terrace, Sunnyvale, CA 94087 (4 pgs), A copy of the signature papers and Application as mentioned above; including a copy of an email which was sent to Sajit Bhaskaran earlier (sajit@aspen-networks.com) (40 pgs), A reply, via email, from Sajit Bhaskaran (sajit@aspen-networks.com) explicitly requesting to be removed from the list of inventors (2 pgs), A check in the amount of \$985.00 to cover the Extension of Time Fee and transmittal document.

TFB:CMG:jds
Mailed: May 21 2003
Docket: 1384.004USJ
Due date: May 21, 2003

Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

In re application of Abraham R. Matthews et al.

Serial No. 10/067,106

Filed: February 04, 2002

Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET

CONTENTS: A copy of the Decision on Petition date October 21, 2002 (3 pgs), Petition for Extension of Time (1 pg), Communication Re: Decision on Petition (1 pg), A Combined Declaration and Power of Attorney (12 pgs), Pages from <http://fdcx.com/us/> confirming the delivery of the signature papers and Application to Sajit Bhaskaran, 1336 Avoset Terrace, Sunnyvale, CA 94087 (4 pgs), A copy of the signature papers and Application as mentioned above, including a copy of an email which was sent to Sajit Bhaskaran earlier (sajit@aspen-networks.com) (40 pgs), A reply, via email, from Sajit Bhaskaran (sajit@aspen-networks.com) explicitly requesting to be removed from the list of inventors (2 pgs), A check in the amount of \$985.00 to cover the Extension of Time Fee and transmittal document.

TFB:CMG:jds
Mailed: May, 21 2003

Docket: 1384.004US3
Due date: May 21, 2003

FAX RECEIVED
JUL 10 2003
PETITIONS OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abraham R. Matthews et al.

Title: SYSTEM AND PROTOCOL FOR FRAME RELAY SERVICE OVER THE INTERNET

Docket No.: 1384.004US3

Serial No.: 10/067,106

Filed: February 04, 2002

Due Date: May 21, 2003

Examiner: Unknown

Group Art Unit: 2152

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 10 2003

PETITIONS OFFICE

We are transmitting herewith the attached:

- ☒ A return postcard.
- ☒ A copy of the Decision on Petition date October 21, 2002 (3 pgs)
- ☒ Petition for Extension of Time (1 pg)
- ☒ Communication Re: Decision on Petition (1 pg)
- ☒ A Combined Declaration and Power of Attorney (12 pgs)
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- ☒ A check in the amount of \$985.00 to cover the Extension of Time Fee.

If not provided for in a separate paper filed herewith, please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTZ, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612) 373-6909

By: Thomas J. Brennan
Name: Thomas F. Brennan
Reg. No. 35,075
TFB:CMG:jds

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: Mail Stop Petition, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 21 day of May, 2003

JASON D. SMITH
Name

[Signature]
Signature

Jason Smith

-----Original Message-----

From: Sajit Bhaskaran [mailto:sajit@aspen-networks.com]
Sent: Friday, January 10, 2003 12:55 PM
To: Jason Smith
Subject: Re: 1384.004us3 - Formal Documents

Hello

In order to not waste any time, please remove me from the list of inventors for the Frame Relay over IP. As I have indicated in the past, I do not believe the Frame over IP is patentable and cannot in good conscience make any claims to that effect. That's my opinion, Cosine may wish to continue to pursue this, I would be happy to release them from any obligation to include me on a list of inventors.

Sajit

Jason Smith wrote:

> Dear Sajit,
>
> The documents will not be sent out until tomorrow (Thursday, January 9,
> 2003). I apologize for the delay.
>
> We will be providing Abraham Matthews, Lianghwa Jou and Sachin Desai with an
> identical set.
>
> Thank you for your patience.
>
> Jason D. Smith
>
> > -----Original Message-----
> > From: Jason Smith
> > Sent: Monday, January 06, 2003 4:29 PM
> > To: 'sajit@mindspring.com'; 'sajit@aspen-networks.com'
> > Subject: 1384.004us3 - Formal Documents
> >
> > S/N 10/067106
> > SLWK 1384.004us3
> > Filed February 4, 2002
> > Client Cosine Communications
> > Title SYSTEM AND METHOD FOR HIERARCHICAL METERING IN A VIRTUAL ROUTER
> > BASED NETWORK SWITCH
> >
> > Dear Sajit,
> >
> > My name is Jason D. Smith, a Case Manager employed at Schwegman, Lundberg,
> > Woessner and Kluth. I am writing to notify you that I will be sending an
> > updated Combined Declaration / Power of Attorney and an Assignment with a
> > copy of the Application as filed to you via Federal Express on Tuesday,
> > January 7, 2003 at the following address: Sajit Bhaskaran; 1336 Avoset
> > Terrace; Sunnyvale, CA 94087. I will also include a copy of this email.
> >
> > If you have any comments or questions regarding this paperwork, please let
> > me know. I will either reply to the best of my ability, or defer to the
> > appropriate authority on the matter.
> >
> > Please acknowledge receipt of this communication after you have received
> > the package, and briefly explain whether or not you will be able to return
> > the executed documents.
> >
> > Thank you for your time and patience.

> >
> > Sincerely,
> >
> > Jason D. Smith
> > Schwegman, Lundberg, Woessner & Kluth, P.A.
> > Case Management Group
> > 1600 TCF Tower; 121 South Eighth Street
> > Minneapolis, MN 55402
> > (p) 612-373-6934 (f) 612-339-3061 <http://www.slwk.com>